

**Knobbe Martens Olson & Bear LLP**

Intellectual Property Law

2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
[www.kmob.com](http://www.kmob.com)

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TO: Mail Stop Issue Fee  
USPTO FACSIMILE No.: (571) 273-8300  
USPTO REFERENCE: Applicants: Gene Mason et al.  
Serial No.: 10/679,963  
Filed: October 6, 2003  
Title: OPTICAL PROBE INCLUDING  
PREDETERMINED EMISSION WAVELENGTH  
BASED ON PATIENT TYPE  
ATTORNEY: John M. Grover  
PHONE No.: (949) 721-2946  
ATTORNEY DOCKET No.: MASIMO.353A  
TOTAL PAGES: 5 (INCLUDING COVER SHEET)  
OPERATOR: Lisa Sierra  
DATE: May 12, 2006

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MESSAGE: **Attached for filing in the above-referenced application are:** TRANSMITTAL LETTER IN 1 PAGE AMENDMENT IN RESPONSE TO NOTICE  
OF DRAWING INCONSISTENCY WITH  
SPECIFICATION DATED APRIL 14, 2006  
IN 3 PAGES2594309  
051106San Diego  
800.222.5500San Francisco  
415.555.4444Los Angeles  
213.555.3250Riverside  
951.781.9231San Luis Obispo  
805.547.5580

Docket No.: MASIMO.353A

MAY 12 2006

Page 1 of 1

**Please Direct All Correspondence to Customer Number 20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/679,963  
Applicants : Gene Mason et al.  
Filed : October 6, 2003  
TC/A.U. : 3735  
Examiner : Eric F. Winakur  
  
Title : **OPTICAL PROBE  
INCLUDING  
PREDETERMINED  
EMISSION WAVELENGTH  
BASED ON PATIENT TYPE**  
  
Docket No. : MASIMO.353A  
Cust. No. : 20,995

Confirmation No. : 3580

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(Date)

John M. Grover, Reg. No. 42,610

**Mail Stop Issue Fee**

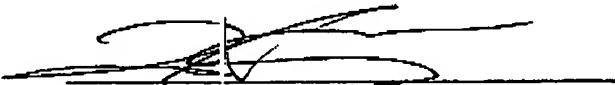
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application is the following enclosure:

(X) an Amendment in Response to Notice of Drawing Inconsistency with Specification dated April 14, 2006 in 3 pages

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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MAY 12 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Applicants : Gene Mason et al.  
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**Mail Stop Issue Fee**

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**AMENDMENT IN RESPONSE TO NOTICE OF DRAWING  
 INCONSISTENCY WITH SPECIFICATION DATED APRIL 14, 2006**

Sir:

In response to the Notice Of Drawing Inconsistency With Specification Dated April 14, 2006, please amend the above-identified application as follows:

**Amendments to the Specification begin on page 2 of this paper.**

**Remarks begin on page 3 of this paper.**